

AMENDMENTS TO THE CLAIMS

1. – 22. (Canceled)

23. (Currently Amended) Crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester, which is prepared by the a process of Claim 1 comprising:

(1) subjecting N-L- α -aspartyl-L-phenylalanine 1-methyl ester and 3-(3-methoxy-4-hydroxyphenyl)propionaldehyde or a derivative thereof to reductive alkylation in a solvent to obtain N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester; and

(2) crystallizing said N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester,

wherein said reductive alkylation comprises catalytic hydrogenation, and wherein said derivative thereof is selected from the group consisting of 3-(3-methoxy-4-hydroxyphenyl)-2-propenylaldehyde, 3-(3-methoxy-4-protected-hydroxyphenyl)propionaldehyde, 3-(3-methoxy-4-protected-hydroxyphenyl)-2-propenylaldehyde, and acetals derived therefrom.

24. (Previously Presented) Crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester, which exhibits X-ray diffraction peaks at 2 θ diffraction angles of 5.55°, 12.25°, 18.5°, 21.1° and 22.45° with CuK α rays.

25. (Canceled)

26. (Previously Presented) The crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23, which is

obtained upon crystallization of N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester from at least one solvent selected from the group consisting of alcohols, tetrahydrofuran, acetonitrile, toluene, ether, acetone, acetic acid, acetic acid esters, and mixed solvents which comprise at least one of these organic solvents and water.

27. (Previously Presented) A sweetening agent, a food and drink, a medicament, a confectionary, a hygienic article, or a sweetened food and drink for mammals comprising said crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23.

28. (Previously Presented) A sweetener comprising said crystalline N-[N-[3-(3-methoxy-4-hydroxyphenyl)propyl]-L- α -aspartyl]-L-phenylalanine 1-methyl ester of Claim 23 and at least one adjunct selected from the group consisting of a carrier, a bulking agent and excipient, which is employed in sweetening materials.

29. – 39. (Canceled)

SUPPORT FOR THE AMENDMENTS

Claims 1-22, 25, and 29-39 have now been canceled in the present application. It is requested that cancellation of these claims be without prejudice toward the further prosecution of these claim in a continuation and/or divisional application.

Claim 23 has been amended and is supported by previously pending Claims 1 and 23.

No new matter has been added.